

H. C. R. No. 19 was reported favorably with the recommendation that it do pass and be not printed, by a viva voce vote.

H. B. No. 97 was reported favorably with the recommendation that it do pass and be not printed, by a viva voce vote.

H. B. No. 110 was reported favorably with the recommendation that it do pass and be not printed, by a viva voce vote.

ELIZABETH SUITER,  
Secretary.

### THIRTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
November 13, 1935.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Sulak.

### Committee Reports.

(See Appendix.)

### Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Nov. 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 46 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House with instructions not to put any form of sales tax and/or gross proceeds tax in the conference report:

Frazer, James, McKinney, Good, Hankamer.

The House passed the following resolutions:

H. C. R. No. 25, Suspending Rules 11, 22 and 23 of the Joint Rules of the House and Senate for the purpose of taking up until the final disposition thereof S. B. No. 27 (the Brazos River Project).

H. C. R. No. 26, Memorializing the President of the United States to continue federal aid for the care of unemployables in this State until it is possible for us to provide for them, etc.

H. C. R. No. 28, Suspending Rules 11, 22 and 23 of the Joint Rules of the House and Senate for the consideration and final disposition in both the House and the Senate of H. B. No. 127.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

### S. C. R. No. 24.

Whereas, In 1936 Texas will celebrate her Centennial;

Whereas, Texas has the distinction of being the only State of the Union that has been an independent nation;

Whereas, Her history is therefore unique;

Whereas, The pupils of the public schools of Texas receive little instruction in that history until reaching Junior High School; and

Whereas, It would seem fitting and appropriate that the younger pupils have an opportunity to become familiar with the glorious and romantic history of their State.

Therefore, Be It Resolved by the Senate of Texas, the House concurring, That it be recommended to the educational authorities of the State that a suitable program that would present the outstanding facts of Texas history to children in the lower grades be worked out and put into effect immediately.

HORNSBY,  
HOLBROOK,  
HILL,  
HOPKINS.

Senator Collie requested that the names of all the Senators be added to the resolution.

Unanimous consent was granted.

Senator Hornsby moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed by viva voce vote.

S. C. R. No. 24 was adopted unanimously.

#### Senate Resolution No. 21.

Whereas, Mrs. H. B. Ritchie, President of the Georgia Federation of Womens' Clubs and Mrs. John D. Cochran, President of the Fifth District Texas Federation of Women's Clubs are now in Austin, attending the State meeting of Texas Federation Women's Clubs are now visiting in the State Capitol; now, therefore be it

Resolved by the Senate, That these two distinguished ladies be accorded the privileges of the floor, and that they be invited to address the Senate at this time.

HORNSBY.

Read and adopted unanimously.

The Chair appointed Senators Hornsby, Neal and Collie to escort the distinguished visitors to the platform.

Lieutenant Governor Walter F. Woodul presented Senator Hornsby, who introduced Mrs. H. B. Ritchie who addressed the Senate.

Senator Hornsby introduced Mrs. John D. Cochran who spoke briefly.

#### H. C. R. No. 10.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 10, Requesting the Governor of Texas to submit to this

Second Called Session the subject of suspended sentences for adult criminals.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Collie H. C. R. No. 10 was unanimously adopted.

#### Bills and Resolution Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

H. B. No. 103.

H. B. No. 104.

S. R. No. 21.

#### Senator Excused.

Senator DeBerry was excused for the day on account of illness, on motion of Senator Hill.

#### S. C. R. No. 25.

Whereas, It is alleged that on or about the 18th day of July, 1935, an automobile belonging to J. C. Trachta of Muenster, Texas, in which were riding his wife, Mrs. Bertha Trachta, Mrs. Bertha Hoenig and Mrs. Enders, all of Muenster, Texas, collided with a truck owned by the State Highway Department of the State of Texas, and being operated by an employee of said Department; and,

Whereas, Mrs. Bertha Trachta and Mrs. Bertha Hoenig were instantly killed in said collision of automobile and Highway Department truck; and,

Whereas, It is alleged that said automobile was completely demolished by said collision which occurred on State Highway No. 5 between the cities of Whitesboro and Gainesville, Texas; and

Whereas, it is alleged that said J. C. Trachta has never been compensated by the State of Texas or the Highway Department for damages resulting from said collision; Now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That said J. C. Trachta, his heirs, executors and administrators, be, and they are hereby granted per-

mission to bring suit against the State of Texas and against the Highway Department of the State of Texas, in any court of competent jurisdiction in Cooke County, Texas, or in Travis County, Texas, as the plaintiff may elect, in order to ascertain, fix and award, the amount of money, if any, the said J. C. Trachta, his heirs, executors and administrators are entitled to receive from the State of Texas, as compensation for the death of his wife, Bertha Trachta, and the demolishing of his automobile and resulting damages, and that in case such suit be filed service of citation, or other necessary process shall be had upon any member of the State Highway Commission of Texas, and that the same have the same force and effect as made and provided in civil cases.

VAN ZANDT.

Read and referred to the Committee on State Affairs.

#### House Bill No. 94.

Senator Burns called up H. B. No. 94.

On motion of Senator Burns H. B. No. 94 was laid on the table subject to call.

#### House Bill No. 126.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Dunagan:

H. B. No. 126, A bill to be entitled "An Act to prohibit the trapping or hunting with guns of wild foxes, or having in possession the pelts thereof in Camp County; providing a penalty providing that farmers or poultry raisers may kill such foxes in the act of actually destroying chickens or other poultry or farm animals; etc., and declaring an emergency."

Senator Pace moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Pace the constitutional rule requiring bills to

be read on three several days was suspended and H. B. No. 126 was put on its third reading and final passage by the following vote:

#### Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

#### Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

#### Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

#### Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

#### House Bill No. 124.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Scarborough:

H. B. No. 124, A bill to be entitled "An Act to prohibit the selling, taking on possession for barter or sale of wild fox, or the pelt thereof in Newton and Jasper Counties; to prohibit the killing of wild fox in said counties; providing penalties, and declaring an emergency."

Senator Redditt moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 124 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Oneal.

**House Bill No. 106.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Stinson:

H. B. No. 106, A bill to be entitled "An Act to amend the law controlling fresh water supply districts as embraced in Chapter 4, Title 128 of the Revised Civil Statutes of Texas, (1925), and contained in Chapter 48, page 107 of the General Laws of Texas, enacted by the Thirty-sixth Legislature at its Second Called Session, as amended, so as to provide for a new Article to said Chapter 4, of said Title 128, to be known as 'Article 7959-a' and providing that where any such fresh water supply districts shall have issued bonds and where there shall not be a sufficient number of qualified voters and resident property owners in said district to constitute its governing body, etc., and declaring an emergency."

Senator Westerfeld moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed by viva voce vote.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Westerfeld the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 106 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

## House Bill No. 99.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 99, A bill to be entitled "An Act increasing the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than sixty thousand (60,000), nor more than sixty-one thousand (61,000), according to the last preceding Federal census; repealing all laws or parts of laws, general or special, in conflict therewith, and declaring an emergency."

Senator Cotten moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

Amend H. B. No. 99 by adding a new Section to be known as Section 2, and by renumbering succeeding Sections accordingly, and amending caption to conform; said Section 2 to be as follows:

"Sec. 2. In counties having a population of not less than six thousand eight hundred (6,800) nor more than six thousand nine hundred (6,900), according to the last preceding Federal census, the county boards of trustees may make such provisions as they deem necessary for office and traveling expenses of the ex-officio county superintendent of public instruction, and of any assistants he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Three Hun-

dred (\$300.00) Dollars per annum, which sum shall be paid from the Available School Fund of the County in the manner and in accordance with existing laws. Provided, further, that in the discretion of said ex-officio county superintendent of public instruction, if approved by the county boards of trustees, any portion of said sum of Three Hundred (\$300.00) Dollars may be used to employ stenographic help in connection with the duties of said ex-officio county superintendent of public instruction while serving in such capacity.

NELSON.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time as amended and passed to third reading.

On motion of Senator Cotten the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 99 was put on its third reading and final passage by the following vote:

## Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Isbell.
Davis.	Martin.

Neal.	Shivers.
Nelson.	Small.
Pace.	Stone.
Poage.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Westerfeld.
Regan.	Woodruff.
Sanderford.	

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

#### House Bill No. 46.

Senator Small moved that the Senate grant the request of the House for the appointment of a Conference Committee on H. B. No. 46 to adjust the differences between the two Houses.

The motion prevailed by viva voce vote.

#### Conference Committee Appointed.

The Chair appointed as conferees on the part of the Senate on H. B. No. 46, the following:

Senators Small, Burns, Rawlings, Redditt and Isbell.

#### House Bill No. 111.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Latham and Mr. Gibson:  
H. B. No. 111, A bill to be entitled "An Act authorizing the selection and the summoning of a general jury panel for jury service in the district and county courts in counties of Texas wherein two (2) or more district courts are situated and maintained; defining district courts within the meaning of the Act; authorizing the judges of the district and county courts in any such county to meet together at stated intervals and determine the number of jurors necessary for jury service for all district and county courts during a period of two months (2) or as many weeks in advance as they decide upon; etc., and declaring an emergency."

Senator Hill moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed by viva voce vote.

The committee report recommend-

ing that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 111 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

#### House Bill No. 88.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Alsup, et al:  
H. B. No. 88, A bill to be entitled "An Act to amend Article 2968 of

the 1925 Civil Statutes of Texas, as amended by the First Called Session of the Forty-first Legislature, providing that the exemption certificates for the poll tax shall be secured before the first day of February, and declaring an emergency."

Senator Hill moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed by viva voce vote.

#### Committee Amendment No. 1.

Amend H. B. No. 88 by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1. That Article 2968 of the Revised Civil Statutes of Texas of 1925, as amended by the Acts of the First Called Session of the Forty-first Legislature, be amended so that Article 2968 shall hereafter read as follows:

"Article 2968. Every person who is exempt by law from the payment of a poll tax and who is in other respects a qualified voter, whether residing in a city of 10,000 inhabitants or not shall before the first day of June of the year when such voter shall have become entitled to such exemption obtain from the Tax Collector of the county of his or her residence a certificate showing his or her exemption from the payment of a poll tax."

HILL,  
BURNS.

Read.

The amendment was lost by the following vote:

#### Yeas—8.

Burns.	Redditt.
Cotten.	Sanderford.
Hill.	Sufak.
Nelson.	Van Zandt.

#### Nays—11.

Beck.	Isbell.
Blackert.	Martin.
Collie.	Neal.
Holbrook.	Regan.
Hopkins.	Woodruff.
Hornsby.	

#### Present—Not Voting.

Davis.	Pace.
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#### Absent.

Poage.	Small.
Rawlings.	Stone.
Shivers.	Westerfeld.

#### Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

#### Committee Amendment No. 2.

Amend H. B. No. 88 by adding a new Section to be known as Section 1A to read as follows:

"Section 1A Article 2968A of the Revised Civil Statutes of Texas 1925, as amended Acts Forty-fourth Legislature Regular Session, be amended so that Article 2968A shall read as follows:

"Article 2968A Every person not subject to the disqualifications set out in Article 2954 of the Revised Civil Statutes of 1925, who is exempt from the payment of a poll tax by reason of the fact that he or she had not yet reached the age of 21 years on the first day of January, preceding its levy, or who is exempt from the payment of a poll tax because he or she was not a resident of the State on the first day of January preceding its levy, but who shall have since become eligible to vote by reason of length of residence or age, shall, on or before the first day of June of the year in which he or she offers to vote, obtain from the Assessor and Collector of Taxes for the county of his or her residence a certificate of exemption from the payment of a poll tax, and no such person who has failed or refused to obtain such certificate of exemption from the payment of a poll tax shall be allowed to vote."

HILL,  
BURNS.

Read and failed of adoption by viva voce vote.

#### Votes Recorded.

Senators Hill and Burns asked to be recorded as voting "yea" on the amendment.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 88 was put on its third reading and final passage by the following vote:

## Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

## Yeas—25.

Beck.	Poage.
Blackert.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.
Pace.	

## Nays—2.

Burns.	Hill.
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## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

## Resolution Referred.

H. C. R. No. 26 was referred to the Committee on Finance.

## House Bill No. 66.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 66, A bill to be entitled "An Act to provide for payment of

the salaries of the ex-officio county superintendents from the County Available School Fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Cotten moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cotten the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 66 was put on its third reading and final passage by the following vote:

## Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	



## Absent—Excused.

DeBerry. Moore.  
Fellbaum. Oneal.

**S. C. R. No. 25.**

Senator Van Zandt received unanimous consent to take up S. C. R. No. 25.

The Chair laid before the Senate on its second reading the following resolution:

S. C. R. No. 25, Granting permission to sue the State, to J. C. Trachta.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

S. C. R. No. 25 was adopted unanimously.

**H. C. R. No. 25.**

The Chair laid before the Senate the following resolution:

H. C. R. No. 25, Suspending Rules 11, 22 and 23 of the Joint Rules of the House and Senate for the purpose of taking up until final disposition thereof S. B. No. 27.

Senator Stone moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed.

H. C. R. No. 25 was adopted by viva voce vote.

**H. C. R. No. 19.**

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 19, Granting Mrs. Julia Martin and others permission to sue the State for personal injuries.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

H. C. R. No. 19 was adopted by viva voce vote.

**H. C. R. No. 3.**

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 3, A concurrent resolution "Granting Herman Voges permission to bring suit against the State of Texas."

H. C. R. No. 3 was laid on the table on motion of Senator Rawlings.

**House Bill No. 66.**

Senator Van Zandt moved to reconsider the vote by which H. B. No. 66 was finally passed.

The motion prevailed by viva voce vote.

The Chair laid before the Senate on its final passage H. B. No. 66.

Senator Cotten sent up the following amendments:

Amend H. B. No. 66, page 2, lines 21 and 22, by striking out the word "hereafter" and insert between the words "read" and "as" the following: "from and after September 1, 1936."

COTTEN.

Read and unanimously adopted.

Amend H. B. No. 66, Section 1, by striking out all of lines 32 and 33, and inserting in lieu thereof the following:

"The salary of the ex-officio superintendents of public instruction in all counties in Texas shall be, from and after September 1, 1936, paid from the State and County Available School Fund."

COTTEN.

Read and unanimously adopted.

Amend H. B. No. 66 by inserting a new sentence beginning after the word "provide," in line 1, Section 2, as follows: "the amount shall be paid in the manner specified in Chapter 49, Acts of the Forty-first Legislature, Fourth Called Session, and in Chapter 175, Acts of the Forty-second Legislature, Regular Session."

COTTEN.

Read and unanimously adopted.

Amend the caption to conform to the body of the bill.

COTTEN.

Read and adopted.

Read third time as reconsidered and amended and finally passed by the following vote:

Yeas—27.

Beck.	Davis.
Blackert.	Hill.
Burns.	Holbrook.
Collie.	Hopkins.
Cotten.	Hornsby.

Isbell.	Sanderford.
Martin.	Shivers.
Neal.	Small.
Nelson.	Stone.
Pace.	Sulak.
Poage.	Van Zandt.
Rawlings.	Westerfeld.
Redditt.	Woodruff.
Regan.	

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

**Senate Resolution No. 22.**

Whereas, Mrs. Ma-Hu Loyd Wooten and Miss Mary Goldman, teachers of C. I. A. at Denton, are visiting in the City of Austin, together with Misses Odessa Cook, Martha Lee Schober, Onesia Satterwhite, Oscie Lee Brandes, Margaret Joyner, Marguerite Tholen, Gene Sewell, Carolyn Holloway and Marjorie Parris, members of their government class, and are now in the capitol; Therefore, be it

Resolved, That they be accorded the privileges of the floor and be invited to address the Senate.

HORNSBY,  
WOODRUFF.

Read and adopted unanimously.

The Chair, Senator Regan presiding, appointed Senators Hornsby, Nelson and Woodruff to escort the visitors to the platform.

Senator Regan presented Senator Hornsby who introduced the visiting ladies to the Senate.

**House Bill No. 97.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Adamson:

H. B. No. 97, A bill to be entitled "An Act giving L. B. Hammett and wife, Mrs. L. B. Hammett, consent of the Legislature to sue the State of Texas and State Highway Commission for damages resulting from the construction of State Highway No. 6, in and through Grayson County, Texas, fixing the venue of said suit, providing that limitation shall not be pleaded, and declaring an emergency"

Senator Van Zandt moved to suspend the rule requiring printed

copies of bills to lie on desks 24 hours.

The motion prevailed.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Van Zandt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 97 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

**House Bill No. 110.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hankamer:

H. B. No. 110, A bill to be entitled "An Act authorizing and empowering all cities and towns, including home rule cities, to build and purchase, to mortgage and encumber certain projects to-wit: parks and/or swimming pools, golf courses, golf course clubhouses, ball parks, fair grounds, exposition buildings, airports, and the land upon which the same are situated, and to evidence the obligation therefor by the issuance of bonds, notes or warrants, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 110 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Martin.
Blackert.	Neal.
Burns.	Nelson.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
Hill.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.

Stone.	Westerfeld.
Sulak.	Woodruff.
Van Zandt.	

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Oneal.

**House Bill No. 108.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Lindsey:

H. B. No. 108, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing body of each respective incorporated city and town to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the Statutory Board of Equalization, etc., and declaring an emergency."

Senator Collie moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 108 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

House Bill No. 115.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Caldwell:

H. B. No. 115, A bill to be entitled "An Act to validate the bonds of water improvement districts and of water control and improvement districts where such bonds have been issued by the district and approved by the Attorney General of the State of Texas, notwithstanding the fact that such bonds were not validated by a suit in the district court as required by law; etc., and declaring an emergency."

Senator Neal moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 115 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Cotten.
Blackert.	Davis.
Burns.	Hill.
Collie.	Holbrook.

Hopkins.	Regan.
Hornsby.	Sanderford.
Isbell.	Shivers.
Martin.	Small.
Neal.	Stone.
Nelson.	Sulak.
Pace.	Van Zandt.
Poage.	Westerfeld.
Rawlings.	Woodruff.
Redditt.	

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

House Bill No. 122.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Cowley:

H. B. No. 122, A bill to be entitled "An Act amending House Bill No. 327, Chapter 350, of the General Laws of the State of Texas as passed by the Forty-fourth Legislature, 1935, Regular Session, by adding thereto a Section to be known as Section 6a, providing that a common school district in a county whose population, as shown by the last Federal census, is between forty-three thousand and one (43,001) and forty-three thousand and one hundred (43,100) inhabitants, and which district has a current levy of fifty (50) cents on the one hundred dollars property valuation, and has voted a tax levy of seventy-five (75)

cents on the one hundred dollars valuation, may receive aid for a one-teacher school for the year 1935-36; repealing all laws in conflict therewith, and declaring an emergency."

Senator Martin moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed by viva voce vote.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 122 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

### House Bill No. 130.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hankamer:

H. B. No. 130, A bill to be entitled "An Act providing a method for the exclusion of lands from fresh water supply districts in counties having a population of not more than 20,000 or not less than 3,000 according to the last preceding Federal census and embracing not less than 100,000 acres, which districts have no outstanding bonded indebtedness; providing for the alteration of the boundaries of such districts so as to exclude the lands; and declaring an emergency."

Senator Regan moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed by viva voce vote.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee substitute was adopted.

The bill was read second time as substituted and passed to third reading.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

## House Bill No. 116.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 116, A bill to be entitled "An Act making certain emergency and supplemental appropriations out of the General Fund of the State of Texas for the Texas Prison System for the fiscal years ending August 31, 1936, and August 31, 1937, respectively, and declaring an emergency."

(With committee substitute.)

Senator Burns moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed.

Senator Burns had the floor to discuss the substitute.

## Previous Question Ordered..

Senator Collie moved that the Senate order the previous question on the substitute and the passage to third reading of H. B. No. 116.

The motion was duly seconded.

The motion prevailed by viva voce vote.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommend-

ing that the bill be not printed was adopted by unanimous consent.

The committee substitute was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 116 was put on its third reading and final passage by the following vote:

## Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

## Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

## House Bill No. 107.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 107, A bill to be entitled "An Act to amend Section 7 of House

Bill No. 131, Chapter 247, enacted by the Forty-third Legislature at the Regular Session, page 867 of the Session Acts of said term which is also Article 52, Section 161 of the Code of Criminal Procedure 1935, Supplement to Vernons Revised Statutes, changing the terms of court of the Criminal District Court of Bexar County, Texas."

Senator Burns moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 107 was put on its third reading and final passage by the following vote:

#### Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

#### Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Oneal.

Read third time and finally passed by the following vote:

#### Yeas—27.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.

Van Zandt.  
Westerfeld.

Woodruff.

Absent—Excused.

DeBerry.  
Fellbaum.

Moore.  
Oneal.

#### Senate Bill No. 9.

Senator Martin called up S. B. No. 9.

The Chair laid before the Senate the following bill which had been laid on the table subject to call:

S. B. No. 9, A bill to be entitled "An Act to amend Article 1645 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, providing for the appointment of county auditors in certain counties of Texas and providing for their salaries and the method of payment of same; providing that if any part of this Act is held to be unconstitutional or invalid, the same shall not affect the remaining portion of this Act; repealing all laws in conflict herewith; and declaring an emergency."

Senator Martin moved the engrossment of S. B. No. 9.

S. B. No. 9 failed of engrossment by viva voce vote.

#### Recess.

On motion of Senator Cotten the Senate at 12:20 o'clock p. m. recessed until 2:15 o'clock p. m.

#### After Recess.

The Senate met at 2:15 o'clock p. m. pursuant to recess and was called to order by Senator Regan.

#### H. C. R. No. 11.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 11, Granting the J. D. George Construction Co., and the Valley Dredging Co., permission to sue the State of Texas and/or the State Highway Commission of Texas for property damages.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

On motion of Senator Neal H. C. R. No. 11 was adopted by viva voce vote.

**H. C. R. No. 15.**

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 15, Granting Mrs. Fannie Williams permission to sue the State of Texas for property damage.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

On motion of Senator Collie H. C. R. No. 15 was adopted.

**Senate Resolution No. 23.**

Whereas, The Hon. Guinn Williams of Decatur and San Angelo, the distinguished former Senator of the 22nd District and Congressman from the 13th Congressional District, is in the City of Austin,

Therefore, Be It Resolved, That said Hon. Guinn Williams be, and he is hereby invited to address the Senate, and be extended the privileges of the floor.

WOODRUFF.

Read and adopted unanimously.

**Message From the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives,  
Austin, Texas, Nov. 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 99, by a vote of 123 yeas and 3 nays.

The House has concurred in Senate amendments to H. B. No. 130 by a vote of 117 yeas and 3 nays.

The House has passed the following resolution:

S. C. R. No. 19, Providing for the acceptance of a portrait of President James K. Polk from Colonel William S. Pickett of San Angelo, Texas.

The House has refused to concur in Senate amendments to H. B. No. 116, and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Messrs. McKinney, King, Hyder, Walter E. Jones of Atascosa and Davis.

The House has passed the following bills:

S. B. No. 30, A bill to be entitled "An Act authorizing cities having a population of more than 3,500 and not exceeding 4,000 inhabitants, and which are not served either by a natural gas or artificial gas distribution system to acquire by purchase or otherwise a system to make available and to distribute to their inhabitants who subscribe for the service, a gas for fuel and lighting purposes manufactured and compounded in the manner herein prescribed; adopting by reference the procedure for the issuance of other revenue bonds, notes and warrants, as prescribed in Articles 1111 to 1118, of the Revised Civil Statutes of 1925, as amended and in Chapter 163, Acts of the Regular Session of the Forty-second Legislature, prescribing that the provisions of this Act are cumulative of all other laws and declaring an emergency."

S. B. No. 10, A bill to be entitled "An Act providing for the amount that may be allowed by county boards of trustees to the country superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than thirty thousand (30,000), and not more than thirty thousand and twenty-nine (30,029), and in counties with a population of not less than eighteen thousand four hundred twenty-five (18,425) and not more than eighteen thousand five hundred twenty-eight (18,528), according to the last preceding Federal census, repealing all laws and parts of laws, general or special, in conflict herewith and declaring an emergency."

(With amendments.)

S. B. No. 19, A bill to be entitled "An Act ratifying, confirming and validating all acts of county boards of trustees in laying out or attempting to establish, combine, abolish or change any independent or common school district under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, 1935, or under Chapter 151, Acts Regular Session, Forty-fourth Legislature, 1935, and declaring an emergency."



S. B. No. 23, A bill to be entitled "An Act validating an election held under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, transferring certain lands from the Badgett Common School District No. 4 in Martin County, Texas, to Courtney Independent School District No. 5, Martin County, Texas, and declaring an emergency."

S. B. No. 18, A bill to be entitled "An Act amending Chapter 5, Acts of the Second Called Session of the Forty-third Legislature, as amended by Chapter 23 of the Acts of the Regular Session of the Forty-fourth Legislature, and by Chapter 204, Acts of the Regular Session of the Forty-fourth Legislature, by making more specific the application of the Act to the building of libraries, gymnasias, athletic buildings and stadia; conferring definite power on the governing boards of the educational institutions named to fix fees and charges against students for the use of any and all buildings constructed under this law as amended, prescribing the minimum and maximum fees to be charged for certain classes of said buildings, designating such fees and charges, along with all other income derived therefrom, as revenues derived from the operation of such buildings; authorizing the pledging of the same to the payment of bonds and notes evidencing the obligations of such institutions to the Government of the United States, and its agencies; providing that fees and charges thus fixed shall not be collected after payment for such buildings shall have been completed; expressly validating acts heretofore taken by the governing boards of said institutions in reference thereto: noting that certain provisions thereof are declaratory of existing law and providing that this Act is cumulative of all other Acts not in conflict herewith; providing that this Act shall not modify or abridge any power now held by any such institution to control or pledge its funds; providing that this Act shall take precedence over other laws in event of conflict; providing in event any part of this Act shall be held to be unconstitutional, it shall not affect any other part

thereof, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Resolution No. 24.

Whereas, Colonel Frank Hawks, famous speed flyer and former pilot for the late Will Rogers, who is on the goodwill tour in behalf of the Will Rogers Memorial campaign is visiting in our Capitol City; and

Whereas, This distinguished visitor accompanied by Mayor Tom Miller is now in the Capitol; therefore, be it

Resolved, That these visitors be accorded the privileges of the floor, and that they be invited to address the Senate.

HORNSBY.

Read and adopted unanimously.

The Chair, Lieutenant Governor Walter F. Woodul, requested Senator Hornsby to escort the distinguished visitors to the platform.

The Lieutenant Governor introduced Capt. Frank Hawks who addressed the Senate.

#### Senate Resolution No. 25.

Whereas, Professor C. O. Britt, Superintendent of the Round Rock public schools and Miss Camilla Oden, teacher of civics, are visiting in the City of Austin today, together with the members of the civics class and are now in the Capitol; therefore, be it

Resolved, That they be extended a cordial welcome and granted the privileges of the floor and invited to address the Senate.

HORNSBY.

Read and adopted.

#### S. C. R. No. 26.

S. C. R. No. 26, Granting the Panhandle Construction Company permission to sue the State and the State Highway Commission.

Whereas, The Panhandle Construction Company of Lubbock, Texas, was duly awarded work for the construction of State Highway Project No. S. P. 1029-A in Palo Pinto County, Texas, by the Highway Commission of this State; and

Whereas, The said Panhandle Construction Company finished its work in accordance with the plans and specifications as prescribed by the Highway Commission and is entitled to settlement of said work, in accordance to its contract with the State; and

Whereas, Said Panhandle Construction Company and the Highway Commission of Texas have been unable to agree upon the amount due under said contract for the work performed in the construction of said project.

Therefore, Be It Resolved by the Senate of the State of Texas and the House of Representatives concurring, That the Panhandle Construction Company be, and it is hereby granted, permission to sue the State of Texas and the State Highway Commission of the State of Texas upon said contract, for any sums of money that may be due said Company under the terms of said contract, for having furnished the materials and performing the work necessary for the completion of said project, and that venue of said suit be placed in Travis County.

#### SMALL.

Read and referred to the Committee on State Affairs.

#### H. C. R. No. 26.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 26, Requesting continuance of Federal Relief in Texas.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

On motion of Senator Cotten H. C. R. No. 26 was adopted unanimously.

#### At Ease.

On motion of Senator Hill the Senate stood at ease until 3:30 o'clock p. m.

#### Address.

In accordance with S. R. No. 23 the Chair appointed Senators Woodruff and Davis to escort the distinguished visitor to the platform.

Lieutenant Governor Walter F. Woodul introduced Hon. Guinn Williams who addressed the Senate briefly.

#### H. C. R. No. 28.

The Chair laid before the Senate on its first reading the following resolution:

H. C. R. No. 28, Suspending Rules 11, 22 and 23 of the Joint Rules of the House and Senate for the consideration and final disposition in both the House and the Senate of H. B. No. 127.

Senator Hill moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed unanimously.

H. C. R. No. 28 was adopted unanimously.

#### S. C. R. No. 26.

The Chair laid before the Senate the following resolution:

H. C. R. No. 26, Granting permission to the Panhandle Construction Co., to sue the State and the State Highway Department.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The committee amendment was adopted.

On motion of Senator Small S. C. R. No. 26 was adopted.

#### House Bill No. 134.

The Chair laid before the Senate the following bill:

By Mr. Leonard:

H. B. No. 134, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 134 was put on its second reading by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	

Senator Redditt moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed unanimously.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments Nos. 1, and 2 were adopted.

The bill was read second time, as amended, and passed to third reading.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 134 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
Hill.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.

Sulak.	Westerfeld.
Van Zandt.	Woodruff.

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Absent—Excused.

DeBerry.	Moore.
Fellbaum.	

#### House Bill No. 116.

Senator Beck moved that the Senate grant the request of the House for the appointment of a Conference Committee on H. B. No. 116 to adjust the differences between the two Houses.

The motion prevailed unanimously.

#### House Bill No. 109.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Spears and Mr. Dickison:

H. B. No. 109, A bill to be entitled "An Act empowering cities of two hundred thirty thousand (230,000) or more inhabitants to purchase and own, build, maintain, operate, mortgage and encumber health and recreational establishments, parks, playgrounds, hotels, bathhouses, bathing pools or facilities, and any and all other installations or establishments necessary or desirable as a part of health and recreational resorts, parks or playgrounds, or any of them, and the income therefrom, and to evidence the obligations therefor by bonds, notes or warrants and to

secure the payment of funds to purchase or build same or to remodel, renovate, maintain or repair same; etc., and declaring an emergency."

(With committee amendments.)

Senator Martin moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed unanimously.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 109 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Rawlings.

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Rawlings.

**At Ease.**

On motion of Senator Pace the Senate at 3:45 o'clock p. m. stood at ease for fifteen minutes.

**Senate Called to Order.**

The Chair called the Senate to order at 3:55 o'clock p. m.

**Senate Bill No. 10.**

Senator Burns moved that the Senate do concur in House amendments to S. B. No. 10.

The motion prevailed by the following vote:

**Yeas—28.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	

**Recess.**

On motion of Senator Pace the Senate at 3:56 o'clock p. m. recessed until 10:00 o'clock a. m. Thursday.

**APPENDIX.**

**Committee on Engrossed Bills.**

**Committee Room,**

Austin, Texas, Nov. 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 25 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, Nov. 13, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 24 carefully examined and compared and find same correctly engrossed.  
DAVIS, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Nov. 13, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 122, A bill to be entitled "An Act amending H. B. No. 327, Chapter 350, of the General Laws of the State of Texas as passed by the Forty-fourth Legislature, 1935, Regular Session, by adding thereto a Section to be known as Section 6a, providing that a common school district in a county whose population, as shown by the last Federal census, is between forty-three thousand and one (43,001) and forty-three thousand and one hundred (43,100) inhabitants, and which district has a current levy of fifty (50) cents on the one hundred dollar property valuation, and has voted a tax levy of seventy-five (75) cents on the one hundred dollar valuation, may receive aid for a one teacher school for the year 1935-36; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

Committee Room,  
Austin, Texas, Nov. 13, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 25,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, Nov. 13, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 26, A resolution "Granting the Panhandle Construction Company permission to sue the State and the State Highway Commission."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, Nov. 13, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred H. C. R. No. 26,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Nov. 13, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred H. C. R. No. 22,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Nov. 13, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 134, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000), or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employes of the Second Called Session of the Forty-fourth

Legislature, also to cover unpaid expenses of the Regular Session and the First Called Session of the Forty-fourth Legislature; providing for a public record of money appropriated under this Act, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, with Committee Amendments Nos. 1 and 2, and be not printed.

REDDITT, Chairman.

**Committee Amendment No. 1.**

Amend H. B. No. 134 by striking out the words and figures "Fifty Thousand Dollars (\$50,000.00)" in lines 2 and 3 of Section 1 and substituting "Seventy Five Thousand Dollars (\$75,000.00) in lieu thereof.

**Committee Amendment No. 2.**

Amend H. B. No. 134 by amending the caption to conform with the bill.

Committee Room,

Austin, Texas, Nov. 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 116, A bill to be entitled "An Act making certain emergency and supplemental appropriations out of the General Fund of the State of Texas for the Prison System, and for the State Tuberculosis Sanatorium, and for the Agricultural Experiment Station, A. & M. College, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations for the fiscal years ending August 31, 1936, and August 31, 1937, respectively; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass in the form and manner written, and that it be not printed.

REDDITT, Chairman.

**THIRTEENTH DAY—Continued.**

Senate Chamber,

Austin, Texas,

November 14, 1935.

The Senate met at 10 o'clock a. m., pursuant to recess and was called to order by Senator K. M. Regan.

**At Ease.**

On motion of Senator Hill, the Senate stood at ease subject to the call of the Chair.

**Called to Order.**

The Chair called the Senate to order at 10:30 o'clock a. m.

**House Bill No. 116.**

The Chair appointed as conferees on the part of the Senate on H. B. No. 116 the following Senators:

Burns, Beck, Moore, Van Zandt, and Nelson.

**Senator Excused.**

Senator DeBerry was excused on motion of Senator Pace on account of illness.

**Message From the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 21, Granting permission to C. D. Scroggins and L. S. Scroggins to sue the State Highway Department for property damages.

S. C. R. No. 25, Granting J. C. Trachta of Muenster, Texas, permission to sue the State of Texas and the Highway Department for damages.

S. C. R. No. 17, Memorializing the Congress and the President of the United States for legislation to relieve hardships suffered by certain counties and districts as a result of the reforestation program.

S. B. No. 8, A bill to be entitled "An Act to amend Section 9, Senate Bill No. 19, Acts First Called Session, Forty-fourth Legislature, and declaring an emergency."

S. B. No. 28, A bill to be entitled "An Act to amend Chapter 3 of Title 42 of the Revised Civil Statutes of Texas of 1925 by adding thereto a new article to be known as Article 2033-B, providing for the service of citation or other civil processes, and declaring an emergency."